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5 Attorney for Plaintiffs
HEATH THOMPSON and MARANDA THOMPSON
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7 UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9

10 HEATH THOMPSON and MARANDA
11 THOMPSON,
12 Plaintiff(s),

13 v.

14 ROBERT OANDASON, OANDASON
15 REALTY AND MICHAEL FLOREZ,
16 Defendant(s).

Case No.: C 08 - 02274 JL

**PLAINTIFFS' EX-PARTE
APPLICATION AND SUPPORTING
DECLARATION
OF MICHAEL S. BIGGS
TO MODIFY
ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND
ADR DEADLINES**

Date: Ex-Parte
Time: Ex-Parte
Judge: LARSON

17
18
19 I, Michael S. Biggs, declare as follows:

20 1. I am an attorney duly licensed to practice law in all courts of the State of California and
21 before the United States District Court for the Northern District of California and I am the
22 attorney of record for plaintiffs HEATH THOMPSON and MARANDA THOMPSON.
23

24 2. Plaintiff hereby moves the Court to grant an Ex Parte Motion to modify order setting
25 initial case management conference and ADR deadlines.
26

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1 3. Defendants ROBERT OANDASON and MICHAEL FLOREZ have not filed answers or
2 responsive pleadings in this matter.

3 4. On July 2, 2008 I was contacted by attorney Myles Dresslove on behalf of OANDASON
4 and asked to provide a settlement proposal for claims against OANDASON.

5 5. Per Dressloves's request I agreed not to default OANDASON through July 31, 2008 pending
6 settlement negotiation.

7 6. I advised attorney Dresslove that an extension on answer or responsive pleadings requires a
8 signed stipulation filed with the Court and that he must cooperate in that regard.

9 7. On June 30, 2008 I was contacted by attorney Obninsky on behalf of FLOREZ
10 and asked to provide an extension for FLOREZ to answer or file responsive pleadings in this
11 matter.
12

13 8. Mr. Obninsky stated he did not practice litigation of the sort contemplated in this case and
14 that FLOREZ was looking for an attorney who would represent him.

15 9. On the facts in this case as is current it would be judicially non-economical to default and
16 seek default judgment on either defendant who once having hired counsel could motion to set
17 aside.
18

19 10. If defendants do not hire counsel and or answer by August 15th 2008 plaintiff would move to
20 enter default and default judgment.
21

22 **I declare under penalty of perjury under the laws of the United States that the foregoing is**
23 **true and correct. This declaration was on the 14th day of July, 2008, executed in Petaluma,**
24 **California.**

25 Respectfully Submitted,

/S/ Michael S. Biggs

26 Michael S. Biggs, Attorney for Plaintiffs
27 HEATH THOMPSON and
28 MARANDA THOMPSON

ORDER

The SCHEDULING ORDER as to SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR DEADLINES shall be revised to put over meet and confer and initial disclosure requirements until after September ____, 2008. Initial Case Management Conference to be held October ____, 2008.

IT IS SO ORDERED.

Dated: July ____, 2008

Judge of the United States District Court
Northern District of California